UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,191	05/03/2001	Rosendorf Charles Hillel	1597-1070	6501

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EXAMINER
HAVAN, THU THAO

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/848,191	ROSENDORF
	Examiner	Art Unit	
	Steven R. Wasylchak	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *13 January 2005*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1,3,4,7-15,17,20-28,30-34 and 36-39* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1,3,4,7-15,17,20-28,30-34,36-39* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to amendment received Jan. 13, 2005. Claims 1,3,4,7-15,17,20-28, 30-34 and 36-39 are pending. Claims 2,5,6,16,18,19,29 and 35 are cancelled. Examiner has reviewed applicant's arguments and has found them to be respectfully unpersuasive based on prior rejections below. Prior rejections are maintained. New citations are given below for Philips et al. to strengthen Examiner's arguments.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1,3,4,7-15,17,20-28, 30-34 and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Philips et al. (US 6,792,399) and official notice.

CLAIMS:

1.A method for analyzing financial data, the method comprising the

steps of:

obtaining a plurality of data points related to a security,/col 1, L 1-52; col 3, L 16-41;col

12, L 14-48; col 7, L 1-14; col 47, L 18-65

each data point comprises associated data regarding the security;/ abstract: cluster

analysis; fig 8,10; col 1, L 6-10; col 12, L 14-49 (derivatives as securities);

col 9, L 12-44

designating one of the data points as a reference data point;fig 5A,B; fig 8; col 121, L 17

(reference data is value of underlying asset at a future date)

choosing one of the data points as a chosen data point, wherein the chosen data point

further comprises a plurality of individual data points not using an arithmetical pattern;

and/ fig 5A,B; fig 8; abstract: cluster; col 1, L 6-12 (clusterization). It is to be noted that

a random pattern of data points is an type of arithmetical pattern.

examining the data of the chosen data point with the data of

the reference data point, thereby producing a data analysis./ abstract; fig 5A,B; fig 8; col

12, L 54 to col 13, L 20; col 12, L 14-63

3. The method as described in claim 2, further comprising the step

of ordering the chosen individual data points according to an ordering function

prior to the examining step, thereby producing an ordered series and an ordered

position corresponding to each chosen individual data point./abstract; col 12, L 14 to col

13, L 20

4. The method as described in claim 3, further comprising the step

of reporting the data analysis./fig 1-10

7. Philips discloses percent./col 6, L44-49. However, Philips does not explicitly disclose

percentage change: wherein the examining step comprises utilizing a comparison

expressed by the equation

$$((TOPoint-FROMPoint)/FROMPoint)*100 = +/- \%,$$

wherein "FROMPoint" is the reference point and "TOPoint" is each of the chosen

individual data points, and each ordered position corresponding to Topoint

follows in the ordered series the ordered position corresponding to EROMPoint.

Official notice is taken that this feature is old and well known in

the art as in col 9, L 27-29 is a change of scales as a per cent change when multiplied

by 100% and col 46, L 34 forecast a change in per cent and per cent in col 53, L5.

Median, as one definition of a type of average, is given in percentiles (see col 22, L 60-

61).

It would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to implement this feature for the advantage of comparing changes

in data over the dependent variable(s) for a robust mathematical analysis.

8. Philips discloses percent./col 6, L44-49. However, Philips does not explicitly disclose

the examining step comprises utilizing a comparison expressed by the equation

$$((TOPoint-FROMPoint)/EROroint)*100 = +/- \%,$$

wherein "Topoint" is the reference point and "FROMPoint" is each of the chosen

individual data points, and each ordered position corresponding to Topoint

follows in the ordered series the ordered position corresponding to FROMPoint.

Official notice is taken that this feature of percentage change is old and well known in

the art. It would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to implement this feature for the advantage of comparing changes

in data over the dependent variable(s) for a robust mathematical analysis.

9. The method as described in claim 3, wherein the reference point

further comprises a plurality of reference individual data points, there being

a one-to-one correspondence between the reference individual data points and the

chosen individual data points./abstract(cluster analysis)/ abstract; col 12, L 54 to col 13,

L20; fig 6,7,8,9

10. The method as described in claim 9, wherein the examining step

comprises utilizing a comparison expressed by the equation

$((TOPoint-FROMPoint)/FROMPoint)*100 = +/- \%$

wherein each pair of "FRoMpoint" and "TOPoint" are each corresponding reference

individual data point and chosen individual data point./refer to claim 8

11.The method as described in claim 9, wherein the examining step

comprises utilizing a comparison expressed by the equation

$((FROMPoint-TOPoint)/TOPoint)*100 = +/- \%$

wherein each pair of "TOPoint" and "FROMPoint" are each corresponding reference

individual data point and chosen individual data point./abstract, refer to claim 8

12. The method as described in claim 3, wherein the ordering

function comprises date order and each data point comprises the value of the

security at a specific date./fig 6-10

13. The method as described in claim 3, wherein the ordering

function comprises date-and-time order and each data point comprises a value of

the security at a specific date and time./fig 6-10

14. The method as described in claim 3, further comprising the step

of exporting the data analysis to a second method of analyzing financial data./refer to

claim 1

15. A system for analyzing financial data, the system comprising:

a means for obtaining a plurality of data points related to a

security, each data point comprising associated data regarding the security;

a means for designating one of the data points as a reference

data point;

a means for choosing one of the data points as a chosen data

point, wherein the chosen data point further comprises a plurality of individual data

points not using an arithmetical pattern;

a means for examining the data corresponding to the reference

data point with the data corresponding to the chosen data point, thereby

producing a data analysis./ refer all to claim 1

17. The system as described in claim 16, wherein the examining means

comprises a means for ordering the chosen data points according to an ordering

function, thereby producing an ordered series and an ordered position

corresponding to each chosen individual data point./ refer to claim 3

20. The system as described in claim 17, wherein the examining means

a means for performing a comparison expressed by the equation

TOPoint-FROMPoint)/FROMPoint)*100 = +/- %,

wherein "FROMPoint" is the reference point and "TOPoint" is each of the chosen

individual data points, and each ordered position corresponding to Topoint

follows in the ordered series the ordered position corresponding to FROMPoint./ refer to

claim 7

21. The system as described in claim 17, wherein the examining means

further comprises a means for performing a comparison expressed by the equation

TOPoint-FROMPoint)/FROMPoint)*100 = +/- %,

wherein "Topoint" is the reference point and "FROMPoint" is each of the chosen

individual data points, and each ordered position corresponding to Topoint

follows in the ordered series the ordered position corresponding to FROMPoint./refer to

claim 7

22. The system as described in claim 17, wherein the reference point

further comprises a plurality of reference individual data points, there being

a one-to-one correspondence between the reference individual data points and the

chosen individual data points./ refer to claim 9

23. The system as described in claim 22, wherein the examining means

further comprises a means for performing a comparison expressed by the equation

((TOPoint-FROMPoint)/FROMPoint)*l00 = +/- %

wherein each pair of "EROMPoint" and "TOPoint" are each corresponding reference

individual data point and chosen individual data point./refer to claim 10

24. The system as described in claim 22, wherein the examining means

further comprises a means for performing a comparison expressed by the equation

((FROMPoint-TOPoint)/TOPoint)*100 = +/- %

wherein each pair of "TOPoint" and "FROMPoint" are each corresponding reference

individual data point and chosen individual data point./refer to claim 11

25. The system as described in claim 17, wherein the ordering

function comprises date order and each data point comprises a value of the

security on a specific date./refer to claim 12

26. The system as described in claim 17, wherein the ordering

function comprises date-and-time order and each data point comprises a value of

the security at a specific date and time./refer to claim 16

27. The system as described in claim 17, further comprising a means for exporting the

data analysis to a second means of analyzing financial data./refer to claim 14

28. A method for analyzing data of a category, the system comprising

the steps of:

obtaining a plurality of data points related to the category,

each data point comprises associated data regarding the category;

designating one of the data points as a reference data point;

choosing one of the data points as a chosen data point, wherein the chosen data point

further comprises a plurality of individual data points not using an arithmetical pattern;

examining the data corresponding to the reference data point

with the data corresponding to the chosen data point: thereby producing a data

analysis./ refer to claim 1

29. The method as described in claim 28, wherein the chosen data

point further comprises a plurality of chosen individual data points./claim 2

30. The method as described in claim 29, further comprising the step

of ordering the chosen data points prior to the examining step./refer to claim 3

31. The method as described in claim 30, further comprising the step

of reporting the data analysis./ refer to claim 4

32. The method as described in claim 29, wherein the category

finance./ refer to claim 1

33. The method as described in claim 32, wherein the associated data

is chosen from the group consisting of sales data, inventory data, cost data,

margin data, income tax data, depreciation data, and amortization data./refer to claim 1

34. A system for analyzing data of

category, the system comprising:

a means for obtaining a plurality of data points related to the

category, each data point comprises associated data regarding the category;

a means for designating one of the data points as a reference

data point;

a means for choosing one of the data points as a chosen data

point, wherein the chosen data point further comprises a plurality of individual data

points not using an arithmetical pattern;

a means for examining the data corresponding to the reference

data point with the data corresponding to the chosen data point, thereby

producing a data analysis./refer to claim 28

36. The system as described in claim 35, wherein the examining means comprises

a means for ordering the chosen data points prior to examining the

data./ refer to claim 30

37. The system as described in claim 36, further comprising a

reporting means to report the data analysis./refer to claim 31

38. The system as described in claim 35, wherein the category

comprises finance./ refer to claim 32

39. The system as described in claim 38, wherein the associated data

is chosen from the group consisting of sales data, inventory data, cost data,

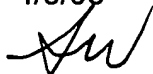margin data, income tax data, depreciation data, and amortization data./ refer to claim

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This action is **FINAL**. Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Steven R. Wasylchak whose

telephone number is (703) 308-2848.   The examiner can normally be reached on

Monday-Thursday from 7:00 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art

Unit 3624 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703)

308-1113.

Steven Wasylchak   VINCENT MILLIN
4/3/05   SUPERVISORY PATENT EXAMINER
                                                                                TECHNOLOGY CENTER 3600